

HOUSE BILL NO. 138

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE KREISS-TOMKINS

Introduced: 3/17/21

Referred: Judiciary, State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to elections; requiring a risk-limiting audit of selected election results;
2 requiring state elections and local elections conducted by the state to be conducted by
3 mail; requiring certain vote-by-mail ballots and election materials to be provided in
4 certain written languages other than English; establishing an online ballot tracking and
5 registration verification system; establishing vote centers, ballot drop boxes, and ballot
6 tabulation centers; eliminating the use of precincts, polling places, absentee ballots, and
7 questioned ballots in certain elections; establishing new elections offenses; and providing
8 for an effective date."

9 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

10 * **Section 1.** AS 15.07.060 is amended by adding new subsections to read:

11 (g) The director shall provide every applicant for registration or reregistration
12 the opportunity to designate, from among the written languages in which the division

1 is required to print election materials under 52 U.S.C. 10503, as amended, the
 2 language in which the applicant prefers to receive ballots and other election materials
 3 printed for an election held under AS 15.20.800 - 15.20.895. If an applicant requests
 4 that ballots and election materials be printed in an applicable language, the director
 5 shall provide the applicant with ballots and election materials in the applicant's
 6 selected language under AS 15.20.805. If an applicant requests ballots and election
 7 materials in a written language in which the division is not required under 52 U.S.C.
 8 10503, as amended, to print ballots and election materials, the director shall notify the
 9 applicant that ballots and election materials printed in that language are not available
 10 and allow the applicant another opportunity to select a language under this subsection.
 11 An applicant who does not indicate a language preference shall be provided with
 12 ballots and election materials printed in English. The division shall provide an
 13 applicant who has made a request under this subsection with ballots and election
 14 materials in the applicant's selected language until the earlier of the date that

15 (1) the applicant's voter registration is inactivated or cancelled; or

16 (2) the division is no longer required under 52 U.S.C. 10503, as
 17 amended, to print ballots and election materials in the requested language.

18 (h) The division shall provide the option for each applicant who requests
 19 registration or reregistration under this section to provide an electronic mail address,
 20 telephone number, or both to contact the individual regarding a defect in a ballot cast
 21 by the individual under AS 15.20.800 - 15.20.895 or if the ballot is otherwise
 22 challenged.

23 * **Sec. 2.** AS 15.15 is amended by adding a new section to read:

24 **Sec. 15.15.455. Risk-limiting audits.** (a) In addition to the ballot counting
 25 review conducted under AS 15.15.420 - 15.15.440 and AS 15.20.865(f), after each
 26 state election but before the certification of the ballot counting review under
 27 AS 15.15.450, the director shall conduct a risk-limiting audit of selected election
 28 results. The audit must be designed using statistical methods to limit the risk of
 29 certification of an election result that is inconsistent with the result that would be
 30 obtained by conducting a recount.

31 (b) The director shall adopt regulations necessary to implement and administer

(a) of this section. The regulations must include a procedure for selecting which election results to audit. In adopting regulations under this subsection, the director shall consult recognized statistical experts, equipment vendors, and municipal clerks and shall consider best practices for conducting risk-limiting election audits.

* **Sec. 3.** AS 15.20.800 is repealed and reenacted to read:

Sec. 15.20.800. Voting by mail. The director shall conduct by mail

(1) a state primary, general, special, or special primary election to

(A) select, nominate, or elect a governor, a lieutenant governor, an acting governor, a state senator, or a state representative;

(B) retain or reject a justice or judge seeking retention in office under art. IV, Constitution of the State of Alaska, and AS 15.35;

(C) determine whether a constitutional convention shall be called and to select, nominate, or elect delegates to a constitutional convention;

(D) approve or reject an initiative submitted under art. XI, Constitution of the State of Alaska, and AS 15.45.010 - 15.45.245;

(E) approve or reject a referendum submitted under art. XI, Constitution of the State of Alaska, and AS 15.45.250 - 15.45.465;

(F) recall an official identified in (A) of this paragraph when authorized by art. XI, Constitution of the State of Alaska, and AS 15.45.470 - 15.45.720;

(G) approve or reject a proposed amendment to the Constitution of the State of Alaska submitted under AS 15.50;

(H) ratify or reject a state general obligation bond under AS 37.15; or

(I) administer an advisory vote when authorized by the legislature by law; and

(2) other elections that the state is required by law to conduct, including

(A) a special election authorized by AS 04.11.507(c) calling for a local option, change in local option, or removal of local option unless the petition of the residents of the established village asks that the provisions of

1 this section not apply to that special election;

2 (B) an election authorized by AS 14.08.071 unless the regional
3 educational attendance area board adopts a resolution for the purpose that is
4 approved by the voters and filed with the office of the director determining that
5 the provisions of this section do not apply;

6 (C) an election authorized by AS 29.05.110, whether conducted
7 separately or in combination with an election under AS 29.05.120, or an
8 election authorized by AS 29.06.140 or 29.06.510, unless the Local Boundary
9 Commission recommends to the director that the provisions of this section not
10 apply to the election;

11 (D) an election authorized

12 (i) by AS 30.13.010 to establish a regional resource
13 development authority or to elect the initial members of the board of
14 governors of the authority unless petitioners request that the provisions
15 of this section not apply; or

16 (ii) by AS 30.13.020 unless the board of governors of
17 the regional resource development authority adopts a resolution stating
18 that the provisions of this section do not apply and the resolution is
19 ratified by the voters of the development area and filed with the office
20 of the director.

21 * **Sec. 4.** AS 15.20 is amended by adding new sections to article 4 to read:

22 **Sec. 15.20.805. Procedures for conducting an election by mail.** (a) For each
23 election held under AS 15.20.800 - 15.20.895, the director shall send an official ballot
24 to each person whose name appears on the official registration list prepared under
25 AS 15.07.125 for that election. Except as provided in (b) of this section, the director
26 shall send the ballot, a secrecy sleeve, a voter's certificate, and a return envelope with
27 postage prepaid by first class, nonforwardable mail, to the address stated on the
28 official registration list unless

29 (1) the voter has notified the director or an election supervisor of a
30 different address to which the ballot should be sent; or

31 (2) a previous mailing to the address on the official registration list has

1 been returned to the division as undeliverable.

2 (b) The director shall prepare the ballot, secrecy sleeve, voter's certificate,
3 return envelope, and other material used in an election held under AS 15.20.800 -
4 15.20.895. The voter's certificate must include a space for a voter to declare, when
5 required, that the voter is a qualified voter, and a space for the voter's signature. The
6 voter's certificate must include a notice that a false statement made by the voter on the
7 certificate is punishable by law. The voter's certificate may be printed on the return
8 envelope. If the division uses ballot counting technology that preserves the
9 confidentiality of a voter's information and ballot choices, the director may mail to a
10 voter a ballot without including a secrecy sleeve.

11 (c) The director shall send ballots under this section not later than 29 days
12 preceding the date of the election. However, the director shall send a special advance
13 ballot prepared under (d) of this section to a person not later than 45 days preceding
14 the date of the election if the person

15 (1) is an absent uniformed services voter or is an overseas voter
16 qualified under AS 15.05.011; or

17 (2) notified the director in writing at least 60 days before the election
18 that the voter expects to be living, working, or traveling outside the United States at
19 the time of the election or expects to be living, working, or traveling in a remote area
20 of the state where distance, terrain, or other natural conditions deny the voter
21 reasonable access to a polling place at the time of the election.

22 (d) The director shall prepare special advance ballots for use under (c) of this
23 section in a state primary, general, special, or special primary election. A ballot
24 prepared for use under this subsection must contain each judicial retention election
25 and ballot proposition or question scheduled to appear on the particular ballot. The
26 director shall list on the ballot the different races to be voted on at the particular
27 election on a statewide basis. If the names of the candidates in a general or special
28 election are not certified before the ballot must be prepared, the director shall prepare
29 a ballot with the name of each candidate appearing on the primary election ballot. The
30 voter may mark candidates for each office in order of preference and mark as many
31 candidates for each office as the voter wishes, but the voter may not assign the same

1 ranking to more than one candidate for the same office.

2 (e) A return envelope for an absent uniformed services voter or an overseas
3 voter must allow the voter to return the ballot free of postage if required under 39
4 U.S.C. 3406.

5 (f) If a voter requests under AS 15.07.060(g) or, at least 45 days before an
6 election, requests in writing or by other means designated in regulations adopted by
7 the director to receive a ballot in a language other than English in which the division is
8 required to print election materials under 52 U.S.C. 10503, as amended, the director
9 shall provide the voter with a ballot and election materials under this section in the
10 language requested.

11 **Sec. 15.20.810. Completion and return of ballot.** (a) Upon receiving an
12 official ballot, a voter shall mark the ballot, sign the voter's certificate printed on the
13 return envelope supplied with the ballot, place the ballot in the secrecy sleeve, insert
14 both the ballot and the secrecy sleeve into the return envelope, and return the ballot to
15 the division by mail or by depositing the ballot at a vote center established under
16 AS 15.20.845 or ballot drop box designated by the director under AS 15.20.855.

17 (b) A ballot may not be mailed or deposited at a vote center or ballot drop box
18 by an intermediary who is paid by or who volunteers for a political party, political
19 group, or business or organization to provide that service. However, nothing in this
20 subsection prohibits a voter from giving a completed ballot to a friend, relative, or
21 associate to mail by way of the United States Postal Service or for deposit at a vote
22 center or ballot drop box.

23 **Sec. 15.20.815. Ballot tracking and registration verification system.** (a) The
24 director shall establish a free online system, available through the division's Internet
25 website, through which a voter may

26 (1) confirm that the voter's ballot has been sent by the division, track
27 the date of the ballot's delivery to the voter, and confirm the division's receipt of the
28 voter's ballot;

29 (2) determine whether the voter's ballot has been counted; and

30 (3) request a replacement ballot under AS 15.20.820.

31 (b) The online system established under (a) of this section must indicate to a

1 voter whose ballot has not been counted

2 (1) the reason the ballot was not counted; and

3 (2) if the signature on the voter's ballot was missing or was determined
4 not to match the signature in the voter's registration record under AS 15.20.830(c), the
5 process by which the voter may cure the lack of signature or verify the voter's identity.

6 (c) The online system established under (a) of this section must allow an
7 election official access to the names and political affiliations of all persons

8 (1) named on the master register, including those persons whose voter
9 registrations are inactivated under AS 15.07.130(b); and

10 (2) whose names must be placed on the official registration list under
11 AS 15.07.070(c) or (d).

12 (d) In establishing the online system under (a) of this section, the director shall
13 ensure that the design allows a voter to access information easily under (a) and (b) of
14 this section through a mobile electronic device.

15 **Sec. 15.20.820. Replacement ballots.** (a) A voter may obtain an official
16 replacement ballot if a ballot is destroyed, spoiled, or lost, or if, for any other reason,
17 the ballot has not been received or cannot be used by the voter.

18 (b) A voter may request a replacement ballot electronically, by telephone, in
19 writing, in person, at a vote center established under AS 15.20.845, or by other means
20 designated in regulations adopted by the director. To receive a replacement ballot at an
21 address other than the address indicated in the voter's registration record, the voter
22 shall complete and sign a replacement ballot request on a form prescribed for that
23 purpose by the division.

24 (c) Upon receiving a replacement ballot request, the director or, when
25 applicable, an election supervisor, shall

26 (1) verify the voter's registration and ensure that another ballot has not
27 been returned by the voter;

28 (2) issue the replacement ballot in person at a vote center established
29 under AS 15.20.845, by mail, or by other means; and

30 (3) take reasonable measures to ensure that a voter requesting a
31 replacement ballot is not able to vote more than once.

1 (d) The director or an election supervisor, as applicable, may indicate on a
2 replacement ballot's return envelope that the envelope contains a replacement ballot.

3 (e) The director or an election supervisor, as applicable, may delegate a duty
4 assigned in this section to an election official in the district.

5 **Sec. 15.20.825. Time of vote-by-mail ballot counting review.** (a) Not less
6 than 10 days before the date of the election, the election supervisors, in the presence
7 and with the assistance of the ballot counting boards, shall review all voter certificates
8 received by that date. The election supervisors shall continue the review of
9 certificates, at times designated by the election supervisors, until the review is
10 completed. A ballot may not be counted until the accompanying voter certificate has
11 been reviewed.

12 (b) Counting of ballots begins 10 days before the date of the election at places
13 designated by each election supervisor and continues until all ballots have been
14 counted. The counting teams shall report the count of ballots to the director.

15 (c) Not later than the 15th day after the date of the election, each ballot
16 counting board shall certify its ballot count.

17 (d) If an election supervisor's office receives a ballot after the completion of
18 the vote-by-mail ballot counting review, the office shall immediately forward the
19 ballot to the director by the most expeditious secure service.

20 **Sec. 15.20.830. Procedure for vote-by-mail counting review.** (a) The vote-
21 by-mail ballot counting board established under AS 15.20.865(c) shall examine each
22 return envelope for a ballot cast by mail, cast at a vote center, or deposited at a ballot
23 drop box and shall determine whether the voter is qualified to vote at the election and
24 whether the ballot has been properly cast.

25 (b) A ballot may be counted only if

26 (1) the voter has properly executed the voter's certificate;

27 (2) the voter's signature on the return envelope is determined to match
28 the signature in that voter's registration record;

29 (3) the ballot,

30 (A) if postmarked, is postmarked on or before the date of the
31 election and received by the election supervisor not later than the seventh day

1 after the election;

2 (B) if cast at a vote center or deposited at a ballot drop box,
3 was cast or deposited before the time the vote center or drop box was closed on
4 election day;

5 (4) for a voter who returned the ballot

6 (A) in person at a vote center and is a

7 (i) first-time voter who initially registered to vote by
8 mail or by facsimile or other electronic transmission approved by the
9 director under AS 15.07.050, the voter has provided the identification
10 required by AS 15.15.225(a) or has provided the identifiers required in
11 AS 15.07.060(a)(2) and (3) that can be verified through state agency
12 records described in AS 15.07.055(e); or

13 (ii) voter other than one described in (i) of this
14 subparagraph, the voter has provided identification described in
15 AS 15.15.225(a), was personally known by the election official, or has
16 provided the identifiers required in AS 15.07.060(a)(2) and (3); or

17 (B) by mail or by deposit at a ballot drop box and is a first-time
18 voter who initially registered to vote by mail or by facsimile or other electronic
19 transmission approved by the director under AS 15.07.050, the voter has met
20 the identification requirements set out in AS 15.07.060 or has submitted with
21 the ballot a copy of

22 (i) the voter's driver's license, state identification card,
23 current and valid photo identification, birth certificate, passport, or
24 hunting or fishing license; or

25 (ii) a current utility bill, bank statement, paycheck,
26 government check, or other government document; an item described
27 in this sub-subparagraph must show the name and current address of
28 the voter.

29 (c) An election supervisor shall determine whether a voter's signature on the
30 return envelope matches the signature in that voter's registration record under (b)(2) of
31 this section according to a procedure provided in regulations adopted by the director.

(d) Any person present at a vote-by-mail ballot counting review may challenge the name of a voter when read from the voter's certificate on the return envelope if the person has good reason to suspect that the challenged voter is not qualified to vote, is disqualified, or has voted at the same election. The person making the challenge shall specify the basis of the challenge in writing. The ballot counting board by majority vote may reject and refuse to count the ballot of a person properly challenged on grounds listed in (b) of this section.

(e) The director shall develop a process by regulation for collecting all statements of challenge and ballots rejected under this section.

(f) For each ballot accepted under this section, an election official shall open the return envelope and place the ballot, or the secrecy sleeve containing the ballot if the secrecy sleeve is not omitted under AS 15.20.805(b), in a container and mix the ballot or secrecy sleeve among the other ballots or secrecy sleeves placed in the container under this subsection. An election official shall then draw the ballots or secrecy sleeves from the container, remove the ballots that are contained in secrecy sleeves from the sleeves, and count the ballots at the times specified in AS 15.20.825 and according to the rules for determining properly marked ballots in AS 15.15.360.

(g) Upon completion of the ballot review, an election supervisor shall prepare an election certificate for execution by the ballot counting board and shall forward the original certificate and other returns to the director not later than the 16th day following the election.

(h) The director shall prepare and mail to each voter whose ballot was rejected under this section, and not cured under AS 15.20.840, a summary of the reason the ballot was rejected. The director shall mail the summary to the voter not later than

(1) 10 days after completion of the review of ballots by the state review board for a primary election or special primary election under AS 15.40.140;

(2) 60 days after certification of the results of a general election or special election other than a special primary election described in (1) of this subsection.

Sec. 15.20.835. Counting of votes cast by former residents of a district and of ballots deposited outside of voters' election districts. (a) A person who meets all

1 voter qualifications except the requirement in AS 15.05.010(3) is qualified to vote a
 2 ballot in the house district in which the person formerly resided if the person lived in
 3 that house district for at least 30 days immediately before changing residence, except
 4 that the person may vote only for

5 (1) statewide ballot measures and questions;

6 (2) candidates for federal or statewide offices;

7 (3) candidates for the state senate if the voter's former residence and
 8 present residence are in the same senate district; and

9 (4) candidates for judicial retention if the voter's former residence and
 10 present residence are in the same judicial district.

11 (b) The director shall adopt regulations relating to the casting of a ballot at a
 12 vote center or ballot drop box by a voter who is registered to vote in the state but not
 13 in the election district for which the vote was cast. The regulations must require that
 14 the voter's ballot be forwarded before the completion of the ballot count to the ballot
 15 tabulation center that is counting ballots for the district in which the voter is registered
 16 to vote.

17 **Sec. 15.20.840. Procedure for curing uncounted ballot.** (a) If a voter returns
 18 a ballot and the voter does not have a signature stored in the voter's registration record,
 19 the return envelope is missing a signature, or the signature on the envelope is
 20 determined under AS 15.20.830(c) not to match the signature in the voter's registration
 21 record, the director shall, within 48 hours, but in no event later than two days after
 22 election day, send a notification by first class, nonforwardable mail to the address
 23 indicated in the voter's registration record and, if provided under AS 15.07.060(h), by
 24 electronic mail to the voter's electronic mail address or by telephone call or text
 25 message to the voter's telephone number.

26 (b) The notification provided to the voter under (a) of this section must
 27 include an explanation of the need for a signature for verification purposes and
 28 provide the voter a form and instructions for the voter to, within the period specified in
 29 (c)(1) of this section,

30 (1) confirm that the voter returned a ballot to the division;

31 (2) provide a copy of a form of identification accepted by the division

1 under AS 15.07.060(e); and

2 (3) provide a signature for the verification.

3 (c) A voter's ballot that is not counted for the reasons set out in (a) of this
4 section may be counted only if

5 (1) the division receives the form sent to the voter under (b) of this
6 section back from the voter within 14 days after election day and the form confirms
7 that the voter returned a ballot to the division;

8 (2) the voter provides a signature for verification and includes a copy
9 of a form of identification accepted by the division under AS 15.07.060(e); and

10 (3) the ballot is otherwise valid.

11 (d) A voter's ballot may not be counted and the director shall, if applicable,
12 send copies of the signature on the voter's return envelope and the signature stored in
13 the voter's registration record to the attorney general for investigation if

14 (1) the voter returns the form sent to the voter under (b) of this section
15 and the form indicates that the voter did not return a ballot to the division; or

16 (2) the voter does not return the form sent to the voter under (b) of this
17 section within 14 days after election day.

18 (e) An election official may not determine that the signature on a voter's return
19 envelope does not match the signature stored in the voter's registration record solely
20 based on substitution of initials or use of a common nickname.

21 (f) The director shall provide training in the technique and standards of
22 signature comparison to election supervisors and election officials who compare
23 signatures under this section.

24 (g) The division shall update the signature stored in a voter's registration
25 record if the voter, after providing a copy of a form of identification accepted by the
26 division under AS 15.07.060(e), either provides a signature for the voter's missing
27 signature or cures a nonmatching signature under this section.

28 **Sec. 15.20.845. Vote centers.** (a) For the 10 days immediately preceding an
29 election under AS 15.20.800 - 15.20.895 and on election day, a qualified voter may
30 cast a completed ballot or replacement ballot at a vote center designated by the
31 director under this section. The director shall provide as many vote centers in each

1 house district as the director considers necessary to ensure that each voter in the
 2 district may effectively cast or deposit a completed ballot, receive assistance under
 3 AS 15.15.240, and, if necessary, obtain a replacement ballot under AS 15.20.820.

4 (b) In establishing a vote center, the director shall prioritize the convenience
 5 of the location for voters. In selecting a vote center location, the director shall consider

6 (1) the proximity of a location to public transportation and availability
 7 of public parking near the location;

8 (2) geographic and climatic factors that may affect a voter's access to
 9 the location;

10 (3) the characteristics of the house district and the distribution and
 11 densities of its population;

12 (4) the need for language assistance for voters in the area as required
 13 under 52 U.S.C. 10503, as amended;

14 (5) the accessibility of the location to voters with disabilities;

15 (6) whether the location has historically served a significant number of
 16 voters as a polling place;

17 (7) whether the location is a public building that is known to voters
 18 and whether the use of the building will result in cost savings in comparison to other
 19 possible locations; and

20 (8) whether effective methods and standards to ensure the security of
 21 voting can be implemented at the location.

22 (c) The director shall ensure that at each vote center a qualified voter may

23 (1) deposit a completed ballot for collection;

24 (2) change the voter's residence address or voter registration;

25 (3) cast a replacement ballot; and

26 (4) receive voting assistance under AS 15.15.240.

27 (d) A vote center must be equipped to allow an election official secure
 28 electronic access to the online ballot tracking and registration verification system
 29 established under AS 15.20.815. If the director finds that secure electronic access to
 30 the information available under AS 15.20.815 is not practicable from a vote center, the
 31 division shall adopt a procedure to allow access to the information by election officials

1 from the vote center by way of telephone or other means.

2 (e) A vote center and its facilities and voting equipment must comply with the
3 requirements of 42 U.S.C. 12101 - 12213 (Americans with Disabilities Act of 1990),
4 as amended.

5 (f) If a qualified voter requests a replacement ballot at a vote center under
6 AS 15.20.820, an election supervisor or election official shall verify under
7 AS 15.20.815(a), or as provided in (d) of this section, that the division has not already
8 received a ballot for the election from the voter. If an election supervisor or election
9 official is unable to determine whether the voter has already cast a ballot for the
10 election, the election supervisor or election official shall provide the voter with a
11 replacement ballot. A replacement ballot shall also be provided to a person who claims
12 to be a registered voter, but for whom no evidence of registration can be found. The
13 director or the director's representative shall determine whether the person is
14 registered in the district before counting the ballot.

15 (g) The director shall provide materials, forms, and supplies for each vote
16 center, including information regarding the date of the election and hours the vote
17 center will be open, instructions on how to obtain a replacement ballot, instructions for
18 first-time voters who initially registered by mail, general information on voting rights,
19 prohibitions on acts of fraud and misrepresentation, and whom to contact to report
20 violations.

21 (h) On the date of an election, each election board shall open all vote centers
22 for which the board is responsible at 7:00 a.m., close the vote centers at 8:00 p.m., and
23 keep the vote centers open during the time between those hours. The election board
24 members shall report to the vote centers at 6:30 a.m. on an election day. For the 10
25 days preceding the date of the election, excluding Sundays, an election board shall
26 open all vote centers for which the board is responsible at 9:00 a.m., close the vote
27 centers at 7:00 p.m., and keep the vote centers open during the time between those
28 hours. On the 10 days preceding the date of an election, election board members shall
29 report to the vote centers at 8:30 a.m.

30 (i) At each vote center, the division shall provide language assistance as
31 required under 52 U.S.C. 10503, as amended, in a manner that enables each voter to

1 participate effectively in the electoral process. An election supervisor shall post at
 2 each vote center information regarding the availability of language assistance in
 3 English and all other languages for which language assistance is required to be
 4 provided in the jurisdiction under federal law.

5 (j) Before the initial opening of a vote center under (h) of this section, an
 6 election supervisor shall inspect the voting equipment to determine whether the
 7 equipment has been properly prepared for voting.

8 (k) The director shall designate locations for vote centers established under
 9 this section by June 1 of an election year.

10 **Sec. 15.20.850. Ballot tabulation centers.** (a) The director shall have ballots
 11 cast in an election under AS 15.20.800 - 15.20.895 processed and counted at ballot
 12 tabulation centers established by the division. A vote center may be used as a ballot
 13 tabulation center. The director may adopt regulations prescribing the manner in which
 14 the ballot count is accomplished at a ballot tabulation center to ensure accuracy in
 15 counting ballots. The director shall establish ballot tabulation centers in

16 (1) the cities of Anchorage, Fairbanks, Juneau, and Nome; and

17 (2) other locations as the director determines necessary to expedite the
 18 ballot counting process in an election under AS 15.20.800 - 15.20.895.

19 (b) A member of a vote-by-mail election board shall report to a ballot
 20 tabulation center at the time designated by the director to count the vote. Before
 21 undertaking the duties of office, each member shall subscribe to an oath to honestly,
 22 faithfully, impartially, and promptly carry out the duties of the position. If a member
 23 of a vote-by-mail election board fails to appear and subscribe to the oath at the time
 24 designated by the director, the director or the director's designee may appoint a
 25 qualified voter to fill the vacancy.

26 **Sec. 15.20.855. Drop boxes for vote-by-mail ballots.** (a) The director shall
 27 provide ballot drop boxes at locations selected to provide the greatest convenience to
 28 voters and to maximize the return of voted ballots, taking the locations of vote centers
 29 and United States post offices into account. The director shall adopt regulations
 30 governing the use and location of ballot drop boxes. The director shall include in the
 31 regulations a requirement that drop boxes be open 24 hours a day in the 10 days

preceding the day of an election, the locations of drop boxes, and the security requirements for the drop boxes. The regulations must require that each drop box be open on the date of the election until 8:00 p.m. An election supervisor shall prominently display a sign at each drop box location identifying the location as an official ballot drop box site.

(b) Subject to (a) of this section, if a municipality has previously administered a municipal election by mail that used ballot drop boxes, the director may, upon agreement with the municipality, use the municipality's drop boxes and ballot drop box locations.

(c) An election supervisor shall ensure that ballots are removed from a ballot drop box frequently enough to allow additional ballots to be deposited securely. A team of at least two election officials shall remove ballots from a ballot drop box. A record must be kept of the date and time of each removal of ballots, the number of ballots removed from the drop box, and the names of the election officials who removed the ballots. The election officials responsible for removing ballots from a drop box shall place the ballots in a secured transport container along with a copy of the record kept under this subsection and deliver the ballots to a ballot tabulation center, where another election official shall verify the record. All ballot drop boxes must be closed and any remaining ballots placed in a secured transport container at 8:00 p.m. on the date of the election.

(d) The director shall designate the ballot drop box locations for state elections under AS 15.20.800 - 15.20.895 by June 1 of an election year.

Sec. 15.20.860. Special provisions applicable to voter qualification and registration. (a) Notwithstanding AS 15.05.011(a), a person residing outside the United States who is qualified under AS 15.05.011 may register and vote by mail.

(b) For an election described in AS 15.05.014,

(1) notwithstanding AS 15.05.014(1), registration and voting procedures, except as otherwise provided in this section, must be identical to procedures established in this title; and

(2) the provisions of AS 15.05.014(2) and (3) apply to the elections described in this subsection except that the authorization in AS 15.05.014(3) to vote

1 by absentee ballot does not apply.

2 (c) In an election to be conducted under AS 15.20.800 - 15.20.895, an election
3 official appointed under AS 15.10 may serve as a registration official for purposes of
4 AS 15.07.

5 (d) Notwithstanding AS 15.07.030(b), a person qualified under AS 15.05.011
6 to vote in a federal election is entitled to be registered as a voter in the house district in
7 which the person resided immediately before departure from the United States.

8 (e) For purposes of complying with AS 15.07.064, notwithstanding
9 AS 15.07.064(e)(1), the director may consider an application for registration within a
10 municipality or established village to comply with law based on other information
11 contained in the application, including evidence that the application was made in
12 person before a voting registrar or election official or other voting official appointed to
13 serve in the municipality or established village, if the application complies with
14 AS 15.07.064(e)(2) and (3).

15 (f) In AS 15.07.130(b) and (d), a voter "appears to vote" if a voter who has not
16 received a ballot by mail makes a timely request to the division for a ballot.

17 (g) In addition to disclosure under AS 15.07.195(b)(1), a voter's residential
18 address may be disclosed to a watcher appointed under AS 15.20.870 and, in the case
19 of a watcher appointed by an organization or group sponsoring or opposing an
20 initiative, referendum, or recall group, authorized by the director.

21 **Sec. 15.20.865. Vote-by-mail election administration.** (a) For each ballot
22 tabulation center established under AS 15.20.850, an election supervisor shall appoint
23 a vote-by-mail election board composed of at least three qualified voters registered to
24 vote in the state. In addition to the three qualified voters registered to vote in the state,
25 an election supervisor may also appoint not more than two members of the youth vote
26 ambassador program established under AS 15.10.108 to serve on a vote-by-mail
27 election board under the supervision of the board chair. The provisions of
28 AS 15.10.120(b), (c), and (e) apply to nominations and appointments under this
29 subsection. An election supervisor shall appoint a chair for each vote-by-mail election
30 board. The decision of the majority of vote-by-mail election board members
31 determines the action that the board shall take regarding any question that arises

1 during the course of the election.

2 (b) Before assuming the duties of office, each election official shall take an
3 oath to honestly, faithfully, and promptly perform the duties of office. Any appointed
4 election official, including an appointed election official who has not personally
5 subscribed to the oath, may administer the oath to another election official. The chair
6 of each vote-by-mail election board appointed under (a) of this section shall rotate the
7 time at which election officials serving at a vote center may be relieved for meals.

8 (c) Each vote-by-mail election board shall assist the election supervisor in
9 counting the ballots cast under AS 15.20.800 - 15.20.895 and a member of the vote-
10 by-mail election board shall receive the same compensation as an election board
11 member under AS 15.15.380.

12 (d) Notwithstanding the requirements of AS 15.15.070(b), (c), and (h), in
13 implementing the notice requirements of AS 15.15.070(a), the director shall

14 (1) give notice by publication at least twice in one or more newspapers
15 of general circulation in each of the four judicial districts; the printed notice must
16 include the date of election, notification that the election will be conducted by mail,
17 the dates and times vote centers and ballot drop boxes will be open before the date of
18 the election and on election day, the locations of vote centers and ballot drop boxes,
19 the offices to which candidates are to be nominated or elected, and the subject of each
20 proposition or question to be voted on;

21 (2) post notices in communities that do not have newspapers of general
22 circulation where posting of notice is considered necessary by the director; the posted
23 notice must include the information required in (1) of this subsection;

24 (3) arrange for an abbreviated form of the notice published under (1) of
25 this subsection to be broadcast on one or more radio or television stations in each of
26 the four judicial districts; the broadcast notice must include, at a minimum, the date of
27 the election, notification that the election will be conducted by mail, the dates and
28 times vote centers and ballot drop boxes will be open before the date of the election
29 and on election day, the locations of vote centers and ballot drop boxes, and the
30 address and telephone number of the election supervisor for the area in which the
31 notice is broadcast; and

(4) post notice of the election on the division's Internet website; the posted notice must include the information required in (1) of this subsection.

(e) Notwithstanding AS 15.15.380, the director shall pay each member of a vote-by-mail election board for time spent performing election duties, including the receiving of instructions. The chair of a vote-by-mail election board and the chair and members of the state ballot counting review board shall be paid for time spent performing election duties. The director shall set the compensation to be paid under this subsection by regulation.

(f) In carrying out the duty under AS 15.15.420 to review the counting of ballots,

(1) the director shall conduct only

(A) a review of the tallies and ballots cast; and

(B) a hand count of ballots from one randomly selected election district; this subparagraph does not apply if the ballot for the election district contains only uncontested offices;

(2) if, following the ballot review set out in (1) of this subsection, the director finds a discrepancy of more than one percent between the results of the hand count under (1)(B) of this subsection and the count certified by the election board for the district, the director shall conduct a hand recount of all ballots from that district;

(3) if the director finds an unexplained discrepancy in the ballot count within a district, the director may conduct a hand count of all ballots from that district; and

(4) the director shall certify in writing to the state ballot counting review board and publish on the division's Internet website any changes resulting from a count performed under (2) or (3) of this subsection.

(g) The state ballot counting review shall begin as soon as practicable after the election is completed and not later than 15 days after the date of the election and shall continue until completed. The director may designate the hours each day during which the state ballot counting review board may conduct its ballot counting review.

(h) The director shall comply with AS 15.15.470 except that the director's obligation under that section to preserve records applies to tallies and registers without

1 regard to precinct election certificates.

2 **Sec. 15.20.870. Watchers.** A candidate may appoint one or more watchers for
3 each vote center and ballot tabulation center in the candidate's district or the state for
4 any election. An organization or organized group that sponsors or opposes an
5 initiative, referendum, or recall may appoint one or more watchers for each vote center
6 and ballot tabulation center after first obtaining authorization from the director. A
7 candidate may not have more than one watcher on duty at a time in a vote center or
8 ballot tabulation center. A watcher must be a United States citizen. A watcher at a
9 ballot tabulation center may be present at a position that affords a full view of all
10 action of the election officials taken until the ballots are finally counted and the results
11 certified by a vote-by-mail election board or the data processing review board. A vote-
12 by-mail election board or the data processing review board may require a watcher at a
13 ballot tabulation center to present written proof of appointment signed by the
14 organization or organized group or the candidate the watcher represents.

15 **Sec. 15.20.875. Election recounts.** (a) The director and appointed candidate
16 watchers shall complete a review of ballots cast. The review of the ballot counts
17 certified by the vote-by-mail ballot counting boards shall be accomplished by
18 reviewing the tallies of the recorded vote to check for mathematical error and by
19 comparing the totals with the election certificate of results.

20 (b) A defeated candidate or 10 qualified voters who believe there has been a
21 mistake made by an election official or by a vote-by-mail ballot counting board in
22 counting the votes in an election may apply to the director within five days after the
23 completion of the state review under (a) of this section for a recount of the votes from
24 a house district or for a particular office, proposition, or question. However, an
25 application for a recount of votes cast for the offices of governor and lieutenant
26 governor must be filed within three days after completion of the state review following
27 the general election. As provided in AS 15.15.460, if there is a tie vote, the director
28 shall initiate the recount and give notice to the interested parties as provided in
29 AS 15.20.470. An application made under this subsection is subject to the
30 requirements of AS 15.20.430(b).

31 (c) An application filed under (b) of this section must state the basis of the

1 belief that a mistake has been made, the district for which the recount is to be held, or
 2 the particular office, proposition, or question for which the recount is to be held. The
 3 application must designate two persons to represent the applicant and assist at the
 4 recount. Any person may be named representative, including the candidate or a person
 5 signing the application. An application filed by 10 qualified voters must also include
 6 the designation of one of the 10 voters as chair. The application must include the full
 7 name and mailing address of each applicant. A recount initiated under this subsection
 8 is subject to the requirements of AS 15.20.440(b).

9 (d) An application filed under this section must include a deposit in cash, by
 10 certified check, or by bond with a surety approved by the director, as provided in
 11 AS 15.20.450.

12 (e) In conducting a recount requested under this section, the director shall
 13 review all ballots to determine which ballots, or parts of ballots, were properly marked
 14 and which ballots are to be counted in the recount and shall check the accuracy of the
 15 original count and the review. For administrative purposes, the director may join and
 16 include two or more applications in a single review and count of votes. The rules in
 17 AS 15.15.360 governing the counting of ballots shall be followed in the recount when
 18 a ballot is challenged based on a question regarding the voter's intent to vote for the
 19 candidate, proposition, or question. The ballots and other election material must
 20 remain in the custody of the director during the recount, and the highest degree of care
 21 shall be exercised to protect the ballots against alteration or mutilation. The recount
 22 shall be completed within 10 days. The director may employ additional personnel as
 23 needed to assist in the recount.

24 **Sec. 15.20.890. Provisions of title not applicable to voting by mail.**
 25 AS 15.07.010, 15.07.070(h), and 15.07.081; AS 15.10.108(c), 15.10.120(a),
 26 15.10.120(d), and 15.10.125 - 15.10.170; AS 15.15.030(13), 15.15.032, 15.15.040(c),
 27 15.15.050, 15.15.060, 15.15.080 - 15.15.210, 15.15.225(c), 15.15.230, 15.15.330,
 28 15.15.340, 15.15.350(a) and (b), 15.15.370, 15.15.390, 15.15.430, and 15.15.440;
 29 AS 15.20.010 - 15.20.225, 15.20.430(a), 15.20.440(a), and 15.20.480; AS 15.45.670;
 30 and AS 15.56.035(a)(1) do not apply in an election conducted under AS 15.20.800 -
 31 15.20.895.

1 **Sec. 15.20.895. Definition of "voter" in AS 15.20.800 - 15.20.895.** In
 2 AS 15.20.800 - 15.20.895, notwithstanding AS 15.80.010, "voter" means a person
 3 whose name appears on the official registration list prepared under AS 15.07.125 for
 4 an election subject to the requirements of AS 15.20.800 - 15.20.895.

5 * **Sec. 5.** AS 15.45.680 is amended to read:

6 **Sec. 15.45.680. Statement of official subject to recall; display of grounds**
 7 **for and against recall.** The director shall provide each election board in the state or in
 8 the senate or house district of the person subject to recall with at least five copies of
 9 the statement of the grounds for recall included in the application and at least five
 10 copies of the statement of not more than 200 words made by the official subject to
 11 recall in justification of the official's conduct in office. The person subject to recall
 12 may provide the director with the statement within 10 days after the date the director
 13 gave notification that the petition was properly filed. The election board shall post at
 14 least one copy of the statements for and against recall in a conspicuous place in a
 15 location where the election is held [THE POLLING PLACE].

16 * **Sec. 6.** AS 15.56.060(a) is amended to read:

17 (a) A person commits the crime of unlawful interference with an election if
 18 the person

19 (1) induces or attempts to induce an election official to fail in the
 20 official's duty by force, threat, intimidation, or offers of reward;

21 (2) intentionally changes, attempts to change, or causes to be changed
 22 an official election document including ballots, tallies, and returns;

23 (3) intentionally delays, attempts to delay, or causes to be delayed the
 24 sending of the certificate, register, ballots, or other materials whether original or
 25 duplicate, required to be sent by AS 15.15.370;

26 **(4) intentionally alters or destroys a ballot cast at an election or the**
 27 **returns of an election; this paragraph does not apply to an elections official in**
 28 **performance of duties;**

29 **(5) intentionally places a fraudulent ballot among official ballots;**

30 **(6) falsely writes anything purporting to be written by an elections**
 31 **official in performance of duties on the ballot;**

1 **(7) takes a ballot, tampers with a ballot drop box, or otherwise**
 2 **intentionally attempts to hinder or delay the return of a vote-by-mail ballot to the**
 3 **division;**

4 **(8) manufactures or knowingly uses a fraudulent return envelope;**

5 **(9) sells, makes an offer with the intent to sell, purchases, or makes**
 6 **an offer with the intent to purchase, for money or other valuable consideration,**
 7 **an official ballot, replacement ballot, or return envelope;** or

8 **(10)** [(4)] is contracted or employed by the state to print or reproduce
 9 in any manner an official ballot, and the person knowingly

10 (A) personally appropriates, or gives or delivers to, or permits
 11 to be taken by anyone other than a person authorized by the director, official
 12 ballots; or

13 (B) prints or reproduces or has printed or reproduced official
 14 ballots in a form or with a content other than that prescribed by law or as
 15 directed by the director.

16 * **Sec. 7.** AS 15.56.060 is amended by adding a new subsection to read:

17 (c) In this section, "return envelope" means an envelope used to return a vote-
 18 by-mail ballot to the division.

19 * **Sec. 8.** AS 15.80.010(7) is amended to read:

20 (7) "election official" means election board members, **vote-by-mail**
 21 **election board members,** members of counting or review boards, employees of the
 22 division of elections, and absentee voting officials;

23 * **Sec. 9.** This Act takes effect January 1, 2023.